IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

THURSDAY, THE 30TH NOVEMBER 2006 / 9TH AGRAHAYANA 1928

WP(C).No. 28588 of 2006(C)

PETITIONER:

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1. SUNIL KUMAR P.S., AGED 32 YEARS,
   S/O. SANKARAN KUTTY, PATTATHIL HOUSE,
   PURANATTUKARA P.O., THRISSUR.

2. BABU N. VELAYUDHAN, S/O. VELAYUDHAN,
   NEDILAPARAMBIL HOUSE, VELLOORKARA,
   PUTHENCRUZ, ERNAKULAM DISTRICT.

3. C.V.SREEJA, W/O. BABU T.V.,
   THATTAMPARAMBIL HOUSE, KARALAM P.O.,
   THRISSUR.

BY ADV. SRI.GEORGE ABRAHAM

RESPONDENTS:

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1. KERALA PUBLIC SERVICE COMMISSION-
   REPRESENTED BY ITS SECRETARY,
   PATTOM, THIRUVANANTHAPURAM.

2. SECRETARY,
   KERALA PUBLIC SERVICE COMMISSION,
   PATTOM, THIRUVANANTHAPURAM.

3. KERALA STATE ELECTRICITY BOARD -
   REPRESENTED BY ITS SECRETARY,
   VAIDYUTHI BHAVANAM, PATTOM, THIRUVANANTHAPURAM.

R1 & 2 BY ADV. SRI.P.C.SASIDHARAN, SC, KPSC
R3 BY SC SHRI. K.S.ANIL

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 30/11/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.K.DENESAN, J.

WP(C)No. 28588 OF 2006 C

Dated this the 30th November, 2006.

JUDGMENT

The petitioners are candidates included in the rank list published by the Kerala Public Service Commission for the Post of Assistant Engineer (Electrical) in the Kerala State Electricity Board. It is contended that the rank list is too short and therefore maximum number of candidates against vacancies arisen during the currency of the list could not be appointed from the list. According to the petitioners such a contingency arose due to the stand taken by the Commission in fixing cut off marks for selection to the post of Assistant Engineers.

2. I feel that it is not necessary for this Court to go into the question as to whether the alleged cut off marks fixed by the Commission was improper or illegal because the petitioners did not approach this Court when the short list was published by the Commission in 2005. The rank list was published on 13.1.12006. It was in operation from January 2006 onwards. Only in the month of October 2006, the petitioners thought it convenient to approach this Court complaining that the Commission had fixed cut off marks and that had resulted in publishing a rank list which is insufficient to meet the requirement as

also the number of vacancies that had arisen in the post.

3. In the counter affidavit filed by the Commission the allegations made against the procedure followed is denied. The Commission had taken into account vacancies that were made available to it before the publication of the short list and having regard to the number of vacancies and the number of persons who had appeared for the selection, it arrived at the probable number of persons to be included in the short list and that inevitably had led to a situation where the person included as the last candidate should have certain marks and those marks turned out to be the minimum required for those to be called for interview.

4. It is unnecessary to dwell deep into the above contention as far as this writ petition is concerned because the petitioners have approached this Court only after the main list has got exhausted. It is now trite that the supplementary list cannot be operated once the main list is exhausted. The petitioners who are included in the supplementary list has no right to contend for the position that the main list should be enlarged so as to

enable the Commission to operate the supplementary list. Writ petition is therefore liable to be dismissed. I do so.

K.K. DENESAN
Judge

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